

BOOK **667** PAGE **348**

**DECLARATION OF OIL AND GAS NOTICE**

Pursuant to West Virginia Code 22-6-36, the undersigned hereby declares:

- (1) The undersigned is the successor in interest and the current owner of one or more coal seams or workable coal beds as those terms are defined in Section 1 of this Article (i.e., Article 6 of Chapter 22 of the West Virginia Code).
- (2) The coal seams or workable coal beds owned by the undersigned lie under the surface of lands described as follows:

Indenture dated July 2, 1996, by and between CNG Coal Company, Grantor, and Cyprus Consolidated Resources Corporation, Grantee, of record in Book 354, page 629 of the Office of the Clerk of the County Commission of Wetzel County, West Virginia, and of record in Book 591, page 291 of the Office of the Clerk of the County Commission of Marshall County, West Virginia.

- (3) The undersigned desires to be given all notices of oil and gas operations provided by Sections 12, 13, 14, and 23 of said Article of the West Virginia Code, addressed as follows:

Foundation Coal Resources Corporation  
158 Portal Road  
PO Box 1020  
Waynesburg, PA 15370

The benefits of the foregoing Declaration shall be personal to the declaring owner, and not transferable or assignable in any way.

FOUNDATION COAL RESOURCES CORPORATION

By: \_\_\_\_\_

Its: \_\_\_\_\_

*S. A. Barlow*  
*Secretary*

JAN PEST  
MARSHALL County 11:21:45 AM  
Instrument No 1251280  
Date Recorded 04/04/2008  
Document Type O&G  
Book-Page 667-348  
Rec/Preserve \$5.00 \$1.00

STATE OF MarylandCOUNTY OF Anne Arundel

The foregoing Declaration of Oil and Gas Notice was acknowledged before me this 31<sup>st</sup> day of March, 2008, by Greg A. Walker, as Secretary of Foundation Coal Resources Corporation, on behalf of said corporation.

Maureen V. Steven  
Notary Public

My commission expires: 11-24-2011.

Please return to:

Document Prepared By:  
Susan A. Barlow, Attorney  
Foundation Coal Corporation  
999 Corporate Blvd., Suite 300  
Linthicum Heights, MD 21090  
Phone: 410-689-7606

STATE OF WEST VIRGINIA, MARSHALL COUNTY, SCT.:

I, JAN PEST, Clerk of the County Commission of said County, do hereby certify that the annexed writing, bearing date on the 31<sup>st</sup> day of March 2008, was presented for and by me, admitted to record in my office upon the above certificate as to the parties therein named this 4<sup>th</sup> day of April 2008 at 11:21 o'clock A.M.

TESTE: Jan Pest Clerk.